

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NEXTGEAR CAPITAL, INC.,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:18-1617
	:	
v	:	
	:	(JUDGE MANNION)
ANTONIO L. GUTIERREZ and	:	
PAUL GUTIERREZ,	:	
	:	
Defendants	:	

ORDER

This case has been assigned to United States District Judge Malachy E. Mannion. In order to establish appropriate pretrial deadlines,

IT IS HEREBY ORDERED:

1. A case management conference will be conducted by the court on **Wednesday, June 12, 2019 at 1:30 P.M.** This conference will be held by telephone but may be held in-person if counsel requests and has the concurrence of all other counsel. In which case it will be held in the Chambers of the Honorable Malachy E. Mannion, at the William J. Nealon Federal Building and United States Courthouse, 235 North Washington Avenue, Room 415, Scranton, Pennsylvania. It will be the responsibility of the plaintiff's counsel to inform the court, at least three (3) business days before the conference, if the conference will be held in person. If the conference will remain by teleconference the plaintiff's counsel is to initiate the conference

call, on the date of the conference.

2. The primary purpose of this conference will be to establish case management deadlines to enable this action to go forward as efficiently as possible. Participation in this conference by counsel or by pro se litigants is mandatory.

3. If counsel of record is unable to participate in the conference, the court shall be notified of the name of the substitute counsel, at least three (3) business days in advance of the date of the conference. The court's telephone number is **(570) 207-5760**.

4. Counsel are advised to comply with Local Rule 16.3 of the Middle District of Pennsylvania. Local Rule 16.3(a) requires lead counsel for each party to "confer at least fourteen (14) days prior to the initial case management conference". **Where the case management plan requests dates, counsel should agree upon a specific month, day and year. (Please do not make entries such as "28 days after the close of discovery.")** The completed Joint Case Management Plan (a sample of which is set forth in Appendix A of the local rules), must be e-filed with the court at least seven (7) business days prior to the case management conference. **Parties must use the most recent Joint Case Management form from the Middle District web-site.**

5. Counsel should note that the Middle District of Pennsylvania adheres to Federal Rule of Civil Procedure 26. However, since the joint case

management plan contemplates discovery prior to the Rule 26(f) meeting, it will be deemed an exception to the limitation on discovery contained in the first sentence of Rule 26(d).

6. Counsel shall not cease active discovery pending disposition of pre-trial motions, including, but not limited to, motions to dismiss.

7. The parties are advised that once the deadlines have been established, extensions of those time periods will be sparingly granted and only for good cause shown, upon application made before the expiration of the relevant deadline. Counsel may not stipulate to extensions, without court approval.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: May 20, 2019

18-1617-02